BRUHAT BENGALURU MAHANAGARA PALIKE

Office of the Executive Engineer (Elec), West Division, B.B.M.P, No 98, 8th Cross, Malleshwaram, Bangalore -560 003.

No. EE/ELE(West)/PR/593/ 2024-25 **Date: 20-11-2024.**

Addendum-3

Ref:- 1) Tender Notification No: EE/ELE/W/Tend/05/2024-25, Dt: 23-09-2024.

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1.With reference to this office tender notification eited above, as per the government circular No. LAW-LAC/198/2024, Dtd: 16/11/2024 regarding withdrawal of arbitration clause in government contract /tenders which is reproduced below, the modification in clause -21 of Draft concessionaire agreement (DCA) is required.

GOVERNMENT OF KARNATAKA

No. LAW-LAC/198/2024

Karnataka Government Secretariat
Vidhana Soudha,
Bengaluru, dated:16.11.2024

CIRCULAR

Sub: Incorporation of 'Arbitration Clause' in the Government Contract/tenders etc-reg.

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In exercise of the power conferred under the Section 21 of the General Clauses Act, 1897, the Circular No. LAW 273 LAC 2012(p), dated: 10.01.2014, regarding incorporation of 'Arbitration Clause' in the Government contract/tenders etc. is hereby withdrawn with immediate effect.

(K.L.Ashok) IAS
Principal Secretary to Government(I/c)
Law, Justice and Human Rights Department

In addition the following modifications/alterations in some clauses of Draft concessionaire agreement (DCA) and RFP are required. Hence the below mentioned clauses of DCA and RFP shall be read as in the modified clauses. All other conditions remain unchanged.

Sl. No	Existing Clause	Modified Clause
	DCA	
1	21. Dispute resolution 21.1 Dispute resolution Procedure C. LEVEL -3 Only after Exhausting of the above Level-1 and Level-2 amicable settlement, then only the párties have got liberty to settle the dispute in accordance to the 'Arbitration Clause', Vide Gok Circular No: LAW 273 L AC 2012(p), dated: 10-01-2014, *Any dispute or difference or claim arlsing out of, or In connection with, or relaung to the prosent Cantract or ine breach, termination or invalidity thereof shall be referred and settled under Arbitration Centre- Karnataka (Domestic and International) Rules 2012, by one or more arbitrators appointed in accordance with its rules	**"DELETED"**

2	**3.1 Scope of Work** 3.1.1 The Concessionaire shall be solely and exclusively responsible for Implementation of Energy Efficiency Project for street lighting system by replacement of existing conventional streetlights with energy efficient LED streetlights and installing Centralized control & Monitoring system. This will include integration of new LED and existing LED streetlights with CCMS system within an **implementation period of 8 months (extendable by additional** 2 Months with Liquidated Damages) along with Operation and Maintenance for a period of 7 years after the project Commercial Operation Date (including original or extended implementation period) through PPP for undertaking the following:	**3.1 Scope of Work** 3.1.1 The Concessionaire shall be solely and exclusively responsible for Implementation of Energy Efficiency Project for street lighting system by replacement of existing conventional streetlights with energy efficient LED streetlights and installing Centralized control & Monitoring system. This will include integration of new LED and existing LED streetlights with CCMS system within an implementation period of 8 months (extendable by additional 2 Months with Liquidated Damages) along with Operation and Maintenance for a period of 7 years after the project Commercial Operation Date (excluding original or extended implementation period) through PPP for undertaking the following:
3	**SCHEDULE -5 KEY PERFORMANCE INDICATORS & REPORTING FORMATS** b. Baseline Assessment: As per the latest physical GIS survey of streetlights conducted by TIA, there are 20,975 nos of conventional streetlights, 4,818 No's of LED streetlights and 841 nos. of energy meters. The concessionaire will also install 5000 additional new lights. For quantity, type of streetlights/flood lights and other details TABLE-1 shall be referred.	**SCHEDULE -5 KEY PERFORMANCE INDICATORS & REPORTING FORMATS** b. Baseline Assessment: As per the latest physical GIS survey of streetlights conducted by TIA, there are 62,950 nos of conventional streetlights, 45,782 No's of LED streetlights and 5799 nos, of energy meters. The concessionaire will also install 13,095 additional new lights. For quantity, type of streetlights/flood lights and other details TABLE-1 shall be referred.
4	Central Control and Monitoring System functionalities (page no 92) (Sl no 3) The central CCMS unit is capable of handling minimum 2500 number switching point units.	Central Control and Monitoring System functionalities (page no 92) (Sl no 3) The central CCMS unit is capable of handling minimum 8000 number switching point units.
	RFP	
1	**APENDIX-XVII SCOPE OF WORK** 3.1. Scope of Work 3.1.1. The Concessionaire shall be solely and exclusively responsible for Implementation of Energy Efficiency Project for street lighting system by replacement of existing conventional streetlights with energy efficient LED streetlights and installing Centralized control & Monitoring system. This will include integration of new LED and existing LED streetlights with CCMS system within an implementation period of 8 months (extendable by additional 2 Months with Liquidated Damages) along with Operation and Maintenance for a period of 7 years after the project Commercial Operation Date (including original or extended implementation period) through PPP for undertaking the following:	**APENDIX-XVII SCOPE OF WORK** 3.1. Scope of Work 3.1.1.The Concessionaire shall be solely and exclusively responsible for implementation of Energy Efficiency in street lighting system by replacement of existing conventional streetlights with energy efficient LED streetlights and installing Centralized control & Monitoring system. This includes integration of new LED and existing LED streetlights with CCMS system within an implementation period of 8 months (extendable by additional 2 Months with liquidated damages) along with operation and maintenance for a period of 7 years (excluding original or extended implementation period) through PPP for undertaking the following:
2	**5(b). Operation & Maintenance (O&M) staff:** Zone shall have 10 teams comprising of 1 electrician, 1 driver and 1 helper accompanied with ladder mounted jeep (to reach at least 10 mtr height) for addressing each 10000 block of light for streetlight 84 complaints	**5(b). Operation & Maintenance (O&M) staff:** Zone shall have 20 teams each comprising of I electrician, 1 driver and I helper accompanied with ladder mounted jeep (to reach at least 10 mtr height) for addressing each block of 5000 lights.

3	1. Yelahanka Zone (15 Wards): Table 2 Existing LED Lights of Yelahanka Zone (Page No 07)	Table 2 Existing LED and Empty Poles Lights of Yelahanka Zone
4	2. WEST ZONE (36 Wards) Table 4 Existing LED Lights of West Zone (Page No 08)	Table 4 Existing LED and Empty Poles Lights of West Zone

2. In response to the pre-bid meeting queries the following clauses of RFP and DCA are modified/changed as below.

SL No	Existing clause	Modified clause
	RFP	
1	**3.3. Evaluation of Eligibility Criteria and Technical Bid** 3.3.3. The Bidders competence and capacity is proposed to be established by following parameters: a. Technical Criteria Criteria: Work Experience Sub-Criteria: Installation and operation & maintenance of streetlights within a single Project/ work Bidder should have satisfactorily completed one similar project /work of "Installation and operation and maintenance of street lights within a single work/project with at least 60,914 No's of Streetlights with CCMS installed between 01-04-2019 and the last date of bidding for any Corporation or ULB, or with any Government/Semi government /PSU.	**3.3 Evaluation of Eligibility Criteria and Technical Bid** 3.3.3. The Bidders competence and capacity is proposed to be established by following parameters: a. Technical Criteria Criteria: Work Experience Sub-Criteria: Installation and operation of streetlights Bidder should have satisfactorily completed similar projects/works of "Installation and operation of street lights with atleast 38,023 No's of Streetlights with CCMS installed between 2019 and the last date of bidding from any Corporation or ULB, or with any Government/Semi government /PSU.
2	**3.3. Evaluation of Eligibility Criteria and Technical Bid** b. Financial Criteria 2. Networth Requirement :- Sole Bidder/ Lead member of Consortium should have a Net Worth of INR 31,10,81,000/- (INR Thirty-One Crore Ten Lakh Eighty-One Thousand Only) at the close of the preceding financial year.	**3.3. Evaluation of Eligibility Criteria and Technical Bid** b. Financial Criteria 2. Networth Requirement :- Sole Bidder/ Lead member of Consortium should have a networth of INR 22,65,22,000/- (Twenty Two Crore Sixty Five Lakh Twenty Two Thousand Only) at the close of the preceding financial year.
3	**APPENDIX - XVII SCOPE OF WORK** 2. Undertake comprehensive operation and maintenance of street lighting network for contract period (7 years): xiv. During maintenance period, in case any streetlight is not functioning or defective, the Concessionaire will replace or repair the same within 24 hours of receiving the complaint, except for the reasons beyond the control of the Concessionaire which shall be brought to the notice of Engineer-in-charge. In case the issue is not resolved within 24 hours then a penalty equivalent to Ten (10) times of the monetized value of energy consumption by streetlight for non-burning duration beyond 24 hours shall be levied. XXV. All complaints lodged in the system have to be resolved within 24 hours of lodging of complaint.	**APPENDIX - XVII SCOPE OF WORK** 2. Undertake comprehensive operation and maintenance of street lighting network for contract period (7 years): xiv. During maintenance period, in case any street light is not functioning or defective, the Concessionaire will replace or repair the same within 48 hours of receiving the complaint, except for the reasons beyond the control of the Concessionaire which shall be brought to the notice of Engineer-in-charge. In case the issue is not resolved within 48 hours then a penalty equivalent to Ten (10) times of the monetized value of energy consumption by streetlight for non-burning duration beyond 48 hours shall be levied XXV. All complaints lodged in system have to be resolved within 48 hours of lodging of complaint.

<table>
<tr><td></td><td>For example, if the complaint is lodged on 16thMay at 10 PM then the complaint has to be resolved before 17thMay 10 PM. In certain cases, Concessionaire has to resolve the complaints immediately as per the instruction of Engineer In-Charge.

D. Key Performance indicators,Table-4, (in both RFP & DCA)<table><tr><th>KPI</th><th>Prescribed Levels</th><th>Penalty Details</th></tr><tr><td>Rectification of defective / Non-Glowing /partially glowing / flickering /streetlight</td><td>Less than 24 hours from time of registration/ appeared in CCMS software</td><td>• Concessionaire shall address complaints within 24 hrs. of registration / appeared in CCMS software. If Concessionaire fails to address the complaint, he will be penalized with 10 X monetized value of energy consumption of particular street for nonburning hours beyond 24 hours.</td></tr></table></td><td>For example, if the complaint is lodged on 16thMay at 10 PM then the complaint has to be resolved before 18thMay 10 PM. In certain cases, Concessionaire has to resolve the complaints immediately as per the instruction of Engineer In-Charge.

D. Key Performance indicators,Table-4, (in both RFP & DCA)<table><tr><th>KPI</th><th>Prescribed Levels</th><th>Penalty Details</th></tr><tr><td>Rectification of defective /partially glowing / flickering /streetlight</td><td>Less than 48 Hrs of registration/ appeared in CCMS software time</td><td>Concessionaire shall address complaints within 48 hrs. of registration / appeared in CCMS software. If Concessionaire fails to address the complaint, he will be penalized with 10 X monetized value of energy consumption of particular street for non-burning hours beyond 48 hours.</td></tr></table></td></tr>
<tr><td>4</td><td>APPENDIX - XVII SCOPE OF WORK
12 PERFORMANCE PARAMETERS
D. Key Performance Indicators,
Table 4, (in both RFP & DCA),
Uptime of the installations should be 99% at any given point of time. (Conversely downtime of installations should be maximum 1%)
• Failure to maintain uptime of minimum 99% of all LED lamps in the project area will attract a fine of 0.1 % of EMI payable for the month, for each such day/days witnessed/documented in CCMS.</td><td>APPENDIX - XVII SCOPE OF WORK
12 PERFORMANCE PARAMETERS
D. Key Performance Indicators,
Table 4, (in both RFP & DCA),
Uptime of the installations should be 98% at any given point of time. (Conversely Downtime of installations should be maximum 2%).
• Failure to maintain uptime of minimum 98% of all LED lamps in the project area will attract a fine of 0.1 % of EMI payable for the month, for each such day/days witnessed/documented in CCMS.</td></tr>
<tr><td colspan="3">DCA</td></tr>
<tr><td>1</td><td>SCHEDULE – 3 TECHNICAL SPECIFICATIONS
2. Technical specification of LED streetlight, flood lights fixtures:
LEDs shall be operated at a forward current
< 70% of rated maximum forward current, in the range of 350 mA to 1000 mA</td><td>SCHEDULE – 3 TECHNICAL SPECIFICATIONS
2. Technical specification of LED streetlight, flood lights fixtures:
LEDs shall be operated at a forward current
< 70% of rated maximum forward current, in the range of 350 mA to 1000 mA.
or
The operating power of LED <70% of the maximum rated power.</td></tr>
<tr><td>2</td><td>SCHEDULE – 3 TECHNICAL SPECIFICATIONS
2. Technical specification of LED streetlight,</td><td>SCHEDULE – 3 TECHNICAL SPECIFICATIONS
2. Technical specification of LED</td></tr>
</table>

	flood lights fixtures: **03.Average rated life span of LEDs used in the luminaries:** More than 50,000 hrs., case temperature of 105°C with respect to lumen maintenance of 70%	**streetlight, flood lights fixtures:** **03.Average rated life span of LEDs used in the luminaries and their depreciation:** More than 50,000 hrs., case temperature of 105°C with respect to lumen maintenance of 70%. The lumen depreciation of streetlight should not be more than 3% per year and should not be more than 21% in 7 years from the Lumen recorded in the LM79 test certificate.
3	**SCHEDULE – 3 TECHNICAL SPECIFICATIONS** **2. Technical specification of LED streetlight, flood lights fixtures:** **17.Surge suppresser:** Internal voltage surge protection: Universal electronic driver with internal surge protection of 6KV (Applicability IS 15885, driver safety 16104-1/2) External voltage surge protection: External surge protection device (SPD) with a minimum immunity level of 20KV / 10 kA (Uoc/Isc) shall be separately installed with each fixture in line with IEC 61643-11 as amended up to date.	**SCHEDULE – 3 TECHNICAL SPECIFICATIONS** **2. Technical specification of LED streetlight, flood lights fixtures:** **17.Surge suppresser:** Internal voltage surge protection: Universal electronic driver with internal surge protection of 4KV (Applicability IS 15885, driver safety 16104-1/2)External voltage surge protection: External surge protection device (SPD) with a minimum immunity level of 20KV / 10 kA (Uoc/Isc) shall be separately installed with each fixture in line with IEC 61643-11 as amended up to date.

Note 1 : Kindly note that the ADDENDUM (No. EE/ELE(West)/PR/556 / 2024-25 Date: 07-11-2024) **- Has been Retrieved. Due to some Technical reasons.**
Note 2: Pdf format of DCA and RFP has been uploaded along with this Addendum.

Executive Engineer (Ele)
West Division
BRUHAT BENGALURU MAHANAGARA PALIKE

Copies to:-

1. Chief Commissioner, BBMP for kind information.
2. Spci. Commissioner (Project), BBMP for kind information.
3. Engineer In Chief, BBMP for kind information.
4. Zonal Commissioner (West Zone) for kind information.
5. Joint Commissioner (West Zone) for kind information.
6. Chief Engineer (West Zone) for kind information.
7. Superintending Engineer (Ele) for kind information.
8. Office copy.